

REAL ESTATE COMMISSION  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF MEETING

Date: Monday, January 30, 1984

Place: Main Conference Room, Department of the  
Attorney General, ROOM 405, State Capitol  
Honolulu, HI

Present: G. A. "Red" Morris, Chairman  
Edwin H. Shiroma, Vice Chairman  
Joseph F. Blanco, Member  
Gloria J. Damron, Member  
Toru Kawakami, Member  
Constance Smales, Member  
Yukio Takeya, Member  
Ralph S. Yagi, Member  
Gregg T. Yamanaka, Member

Janice B. Sevilla, Education Officer  
Cynthia T. Alm, Information Officer  
Glenn M. Adachi, Executive Secretary  
Saeko Whang, Secretary

Robert Alm, Hearings Officer  
Virginia Lea Crandall, Hearings Officer  
Calvin Ontai, Respondent  
Bozena Bednarczyk, Respondent  
Joseph Ryan, Attorney for Bozena Bednarczyk  
Michael Holl, Respondent  
Rodney Kim, Attorney for Michael Holl  
Patricia D'Amico, Applicant for licensure  
Rae Lindquist, Hawaii Association of Realtors  
David B. Dohms, Attorney representing Hanalei  
Development, Inc.  
Russell Suzuki, Deputy Attorney General  
Ruth Tsujimura, Staff Attorney for DCCA/RICO  
Frances Higa, Staff Attorney for DCCA/RICO  
Susan Sugimoto, Staff Attorney for DCCA/RICO  
Rodney A. Maile, Staff Attorney for DCCA/RICO  
Victoria S. Marks, Staff Attorney for DCCA/RICO  
Anne Harpham, News Reporter for Advertiser  
Sheila Lau, Director, SBMP, Univ. of Hawaii  
Violet King, Observer  
Ronald Miyashiro, Observer

Call to Order: The meeting was called to order by Chairman  
G. A. "Red" Morris at 9:30 a.m.

Notice of Meeting: The notice of meeting was filed with the Office of the Lt. Governor on January 25, 1984.

Minutes of Previous Meetings: Upon motion made by Commissioner Shiroma, seconded by Commissioner Smales, the minutes of the November 23, 1983 and December 16, 1983 were approved. Motion carried unanimously.

Hearings Officers Report: Oral Argument

In the Matter of the Real Estate Corporation and Broker Licenses of Hawaiian Vacation Council, Inc., Bozena A. Bednarczyk and Michael J. Holl, RE-83-17, 83-19, 83-20, 83-23, 83-41, 83-44, 83-58, 83-61, 83-76, 83-119, 83-124, 83-131, 83-132 and 83-135

Commission received written exceptions to Commission's Proposed Order Adopting In Part and Modifying In Part Hearing Officer's Proposed Findings of Fact, Conclusions of Law and Recommended Order from Attorney Joseph Ryan. Attorney Rodney Kim did not file any exceptions.

Commission heard oral arguments from Joseph Ryan, representing Bozena Bednarczyk, Rodney Kim, representing Michael Holl and from Frances Higa, representing the State.

Having heard the arguments, Commissioner Yamanaka moved and Commissioner Takeya seconded to adopt the proposed decision with modification on page 6 of the proposed order changing "\$10-99-3" to "\$16-99-3". Commissioner Damron abstained from voting. Motion carried.

RE-LIC-83-38 Kay D. Rhead

Upon motion by Commissioner Blanco, seconded by Commissioner Damron, the Commission unanimously accepted the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order for denial of the petition.

RE-LIC-83-29 Zina S. Dunmore

Upon motion by Commissioner Smales, seconded by Commissioner Damron, the Commission unanimously approved the Hearings Officer's Recommended Order of Dismissal.

RE-LIC-83-39 Lynn T. Makia

Upon motion by Commissioner Blanco, seconded by Commissioner Takeya, the above matter was added to the agenda. Motion carried unanimously.

Commissioner Smales moved and Commissioner Takeya seconded to adopt the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order that the petition be denied. Motion carried unanimously.

RE-81-48 Irma P. Sai and Rodney K. Burgess, III

Upon motion by Commissioner Takeya, seconded by Commissioner Yagi, the above matter was added to the agenda. Motion carried unanimously.

Commissioner Yagi moved and Commissioner Takeya seconded to accept Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order that the charges against Respondent Burgess be dismissed and Respondent Sai's real estate salesman license be revoked retroactive from January 1, 1983 since she had forfeited her license from said date. Motion carried unanimously.

RE-LIC-83-36 Patricia J. D'Amico

Patricia J. D'Amico had filed written exceptions and made a personal appearance to argue her case. Ruth Tsujimura represented the State.

Upon motion by Commissioner Blanco, seconded by Commissioner Yagi, the Commission unanimously adopted the Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order for denial of the petition.

In the Matter of the Real Estate Salesman's License of Calvin W. Ontai, RE-82-111

Commissioner Shiroma was excused from deliberation on this matter.

Respondent Calvin Ontai requested a postponement of his argument on the motion for reconsideration. He stated he had filed a notice of appeal with the Circuit Court.

Staff attorney Rodney Maile presented arguments in rebuttal to Respondent's motion for reconsideration.

Upon motion by Commissioner Yamanaka, seconded by Commissioner Yagi, the Commission unanimously denied Respondent Ontai's request for reconsideration.

RE-80-78, 80-79, 80-159, 80-171, 80-177, 81-20, 81-45 and 81-58 - Waipio Realty Corporation and Michael Teramoto

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Hearings Officer Lea Crandall reported that the Respondents Waipio Realty and Michael Teramoto had filed an Application for Entry of Consent Order. They will jointly pay a \$500 fine on each of the above cases.

Commissioner Takeya moved and Commissioner Yagi seconded to accept the Consent Order. Motion carried unanimously.

RE-82-43 Nicholas Palazzo and Phyllis P. Perry

Upon motion by Commissioner Blanco, seconded by Commissioner Smales, the Commission unanimously approved to add the above matter to the agenda.

Hearings Officer Lea Crandall reported that the Respondents Palazzo and Perry were to make restitution to Complainant and pay fines within 30 days of the Commission's final order, if they failed to do so, their licenses to be suspended for one year. Respondent Perry had paid part of the fine and her share of the restitution. The suggestion was made to have her fine payment be used toward the balance of the restitution that was to be paid to Complainant by Respondent Palazzo.

Upon the motion made by Commissioner Takeya, seconded by Commissioner Smales the Commission unanimously agreed to the suggestion.

Committee Reports:    Real Estate Education Committee Report

Education Officer Jan Sevilla reported on her activities for the month of January. A copy of her report was distributed to the Commissioners at the meeting.

Annual Symposium

The Commissioners, after discussion, decided to hold its annual symposium at Hawaiian Regent on May 10-11, 1984 instead of at the Turtle Bay Hilton.

Extension of Chairholder

Commissioner Blanco reported that Prof. Nicholas Ordway would be available for another year as Chairholder if the Univ. of Texas would release him for another year and the Commission is interested in retaining him.

Upon motion by Commissioner Smales, seconded by Commissioner Blanco, the Commission unanimously approved to ask Prof. Ordway to remain for another year.

Chairholder Funding

The Commission discussed that a guideline should be established for use of the \$65,000 Chairholder's fund. It was decided that the Education Committee meet with Dean Dave Bess to discuss the problem of funding and get a workable agreement.

Cutscore Study

Information Officer Cynthia Alm reported on the Cutscore Study held in January. There were 8 people who participated for 2 days and were paid \$100 per day honorarium fee.

Commissioner Yagi moved and Commissioner Damron seconded to approve the continuation of paying honoraium fee of \$100 per day. Motion carried unanimously.

ACT Proposal

The Education Committee and the Executive Secretary have been requested to review the ACT proposal.

Condo Committee

The Condo Committee minutes were distributed at the meeting which will be discussed at a later time.

Laws and Rules Review Committee Report

There was nothing to report at this time.

New Business:

LICENSING

Corporation

ABB Hawaii, Inc. dba American Business Brokers -  
677 Ala Moana Blvd. #1005, Hon.  
Melvyn S. C. Ho, pb

Amreco, Inc. - 1314 So. King St. #603, Hon.  
Richard M. Conroy, Jr., pb

E.A. Buck Realty Consultants, Inc. - 900 Fort  
Anita Ouverson, pb St., #1410, Hon.

Cardinal Associates, Ltd - 4614 Kilauea Ave.,  
LaVern W. Larson, pb Ste 560, Hon.

Consultants Plus, Inc. - 735 Bishop St., Ste 320  
Nelson W. G. Lee, pb Hon.

Consumer Realty, Inc. - 350 Ward Ave., #106  
Roger Y. F. Ching, pb Hon.

General Pacific Incorporated - 1427 Dillingham  
Gilman Budar, pb Blvd. #210, Hon.

Hawaiian Time Resorts, Inc. - 808 Wainee St.  
Earla W. Adams, pb Ste 201, Lahaina

Hawaiiana Management Co., Ltd. - 1100 Ward Ave.  
Pat Jella, pb #1100, Hon.

Hirai Realty, Inc. - 1451 So. King St., Ste 201  
Ralph J. Hirai, pb Hon.

Investments International, Inc. dba Platinum  
Properties - 1649 Kapiolani Blvd. #22, Hon.  
Melvin M. Hayashida, pb

Joanda, Inc. - 733 Bishop St., 2700, Hon.  
Sanda J. Blockey, pb

Keauhou Alii Realty, Ltd. - 75-5722 Kalawa St.  
Ann Hamilton, pb Kailua-Kona

Maui Reservation Center, Inc. - 900 Fort St.  
John Schleppegrel, pb #1620, Hon.

Morgan Interiors, Inc. - 2255 Kuhio Ave.,  
Roberta L. Morgan, pb 12th Flr, Hon.

Minutes of Meeting of January 30, 1984

George K. Santoki, Inc. - 98-211 Pali Momi St.,  
George K. Santoki, pb #520, Aiea

Sun Corp, dba Sun Estates - 94-210 Pupukahi St.  
John E. Reinburg, pb Waipahu

Terra West Incorporated - 735 Bishop St., Ste  
Lorna Cutshaw, pb 233, Hon.

Waikiki International Development Corp. - 1750  
Kalakaua Ave., #204A, Hon.  
Waikiki International Development Corp.

Branch Office

Advanced Property Management, Inc. - 75-5707-D  
George Powell, bic Alii Dr., Kailua-Kona

Aaron M. Chaney, Inc. - 425 Ena Rd., Hon.  
Malcolm S. Rountree, bic

Corp. Name Change

Patricia Choi Realty, Inc. - formerly Patricia  
Choi, Inc.

Wendy Monet, Inc. - formerly Wendy Monet Realty,  
Inc.

Century 21 American Homes-Realty Specialists  
Corporation - formerly Realty Specialists  
Corporation

Tradename

Dan's Realty - Daniel L. Shapiro, dba

Dickman Realty - Barbara D. Dickman, dba

Projects Plus Realty - James K. Kobatake, dba

Vicki E. Williams, Realtor - Victoria E.  
Williams, dba

The Commission reviewed the list of new  
corporations, branch offices, corporation  
name changes and tradenames for the month  
of January.

Restorations - forf. 1/1/83

Helen Adomi  
Henry A. Rigg  
Andrew K. Saranchock

Michael J. Stanton  
Yvonne L. Taufasau

Restorations - forf. 1/1/81

Marshall E. Brown, III	Vicki Lee Mix
Erlinda J. Cantorna	Richard S. Ogami
Orin F. Hakoda	Aza Summers
Andrea L. Hunt	Jacquelyn K. Tokashiki
William A. Meyer, Jr.	

Upon motion by Commissioner Damron, seconded by Commissioner Shiroma, the Commission unanimously approved all those over the 1 year period be required to take the RECCAL course and those over the 2 year period, be required to take the licensing examination with waiver of the education requirement plus payment of the back fees.

Miscellaneous:

Hanalei Development, Inc. - by David B. Dohms

David Dohms, representing the developer, requested that the Commission accept a bond issued by Dillingham Corporation, as surety, to Hawaiian Dredging & Construction Company, a division of Dillingham Construction Corp., as satisfying the performance bond requirement under §514A-40(5), HRS.

After questioning Mr. Dohms, the Commission decided to take the matter under advisement until Mr. Dohms can gather additional information.

Financial Audit of Harry Tokushige

Upon motion by Joseph Blanco and seconded by Commissioner Smales, the Commission unanimously approved to add the above matter to the agenda.

Following discussion, Commissioner Blanco moved and Commissioner Kawakami seconded to request the department to accept and implement the auditor's recommendations where financial controls are concerned. Motion carried unanimously.

September Meeting Change

The September meeting will be changed to September 20 and 21, 1984.

Request Waiver of the Education Requirement

Charles J. Magda

The above-named requested a waiver of the education requirement to sit for the salesman



exam in February. Commissioner Takeya moved to deny the waiver of the education requirement. The motion was seconded by Commissioner Blanco and unanimously carried.

Regulated Industries Complaints Office

By letter the Regulated Industries Complaints Office requested financial assistance to send their attorneys to a workshop on Trial Advocacy.

Following discussion, Commissioner Blanco moved and Commissioner Takeya seconded to deny their request. Motion carried unanimously.

Recovery Fund

1. Civil No. 63921, Tamura v. Melvin Fong Ung and Hallmark Properties, Inc.
2. Civil No. 6583, Dicksion v. Robert F. Allan and Dorcas A. Allan
3. Civil No. 5932(2), Lovell v. Dennis C. Lopes dba Dennis C. Lopes Realty
4. S.P. No. 4848, Mabe v. Real Estate Commission

Upon motion by Commissioner Blanco, seconded by Commissioner Smales, the Commission unanimously approved to add the following matter to the agenda.

5. Civil No. LH82-187, George Blankenheim and Thomas L. Loesch v. Denny Lopes, dba Denny Lopes Realty

Commissioner Smales moved to approve the above orders (1-5) for payment out of the recovery fund. The motion was seconded by Commissioner Takeya and unanimously carried.

Commission requested that Sidney Ayabe submit a summary of the recovery fund cases for which payment was ordered and paid from the recovery fund.

Adjournment:

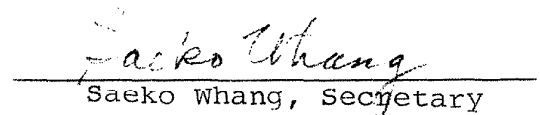
The meeting adjourned at 1:30 p.m.

Taken and recorded by:

APPROVED:



GLENN M. ADACHI  
Executive Secretary

  
Saeko Whang, Secretary